



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Andrew Kunasek, District 3, Chairmen
Fulton Brock, District 1
Don Stapley, District 2
Max Wilson, District 4
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, December 03, 2008
9:00 AM**

1. INVOCATION

Ross Tate, Director, Maricopa County Internal Audit, gave the invocation.

2. PLEDGE OF ALLEGIANCE

Richard Chard, Internal Audit, led the assemblage in the Pledge of Allegiance.

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, December 03, 2008, in the Supervisors Auditorium with the following members present: Andrew Kunasek, District 3, Chairman; Max Wilson, District 4; Fulton Brock, District 1; Don Stapley, District 2; Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

BOARD OF SUPERVISORS

4. Pet Showcase by Maricopa County Animal Care and Control.

Aprille Hollis introduced a three-month old, black Cockapoo, as yet unnamed, for the pet showcase provided by Maricopa County Animal Care and Control for this meeting. She said he was a loving, bundle of energy, and as the meeting's media pet would cost only \$85 today. This cost includes his shots, neutering and licensing. He is available for adoption at the 27th Avenue and Durango facility at noon.

STATUTORY HEARINGS

Clerk of the Board

5. LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. NEW SERIES LIQUOR LICENSE FOR GOLDEN STAR CHINESE RESTAURANT

Approve an application filed by Emily Yuen for a new Series 12 Liquor License for the Golden Star Chinese Restaurant at 10050 W. Bell Road, #8&9, Sun City, AZ 85351. AZ #12-077792. MCLL#6279. (C-06-09-164-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

b. NEW SERIES LIQUOR LICENSE FOR DEMAS ITALIAN BISTRO

Approve a new Series 12 Liquor License Application filed by Visar Dema for Demas Italian Bistro at 18256 E. Williams Field Road, Gilbert, AZ 85295. AZ #12077770; MCLL#6280. (C-06-09-172-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

c. SPECIAL EVENT LIQUOR LICENSE FOR S.C.W. KANSAS CLUB

Approve a Special Event Liquor License Application for Clyde Howard Kiddo, for the S.C.W. Kansas Club, at 13800 W. Deer Valley Drive, Sun City West, AZ 85375, on December 10, 2008 from 5:00 to 10:00 p.m. SELL #864. (C-06-09-194-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Stapley, Wilcox, Wilson
Nays: Brock

Air Quality

6. INCORPORATION BY REFERENCE RULEMAKING

Pursuant to A.R.S. 49-479(b), convene the scheduled public hearing to solicit comments and consider the adoption of proposed revisions the following Maricopa County Air Pollution Control Regulations: Rule 317 - Hospital/Medical/Infectious Waste Incinerators, Rule 321 - Municipal Solid Waste Landfills, Rule 360 - New Source Performance Standards, Rule 370 - Federal Hazardous Air Pollution Program, Rule 371 - Acid Rain, and Appendix G - Incorporated Materials. Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations Rules 317, 321, 360, 370, 371 and Appendix G. Upon Board approval, this item will become effective December 3, 2008. (C-85-09-004-7-00)

Motion to continue to the December 17, 2008, meeting by: Supervisor Wilcox,
Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

7. RESOLUTION FOR DUST CONTROL PERMIT APPLICATION PACKAGE

Pursuant to A.R.S. 49-479(b), convene the scheduled public hearing to solicit comments and consider the adoption of the Resolution to submit supplemental information on the implementation of Maricopa County Air Pollution Control Rule 310 - Fugitive Dust from Dust-Generating Operations consisting of the Dust Control Permit Application package as a revision to the Arizona State Implementation Plan (SIP) for PM10. Following the public hearing, the Board is requested to approve the attached Resolution and submit it as a revision to the Arizona State Implementation Plan (SIP) for PM10. Upon Board approval, this item will become effective December 3, 2008. (C-85-09-005-7-00)

Motion to continue to the December 17, 2008, meeting by: Supervisor Wilcox,
Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Constables

8. ADDITION TO COUNTY VEHICLE FLEET

Approve a permanent addition to the County fleet of two intermediate sedans at a cost not-to-exceed \$38,000 for both vehicles.

These vehicles will be used by the two newly elected Constables of the recently added Highland and Desert Ridge Precincts. Funding for these two new vehicles has already been budgeted in the FY 2008-09 Non-Departmental vehicle replacement.

Approval of this request will allow the two newly elected Constables to perform their mandated duties. (C-25-09-004-V-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Sheriff

9. AGREEMENT AND ACCEPTANCE OF HOMELAND SECURITY, URBAN AREA SECURITY INITIATIVE GRANT FUNDS FOR MOBILE REPEATERS PHASE II

Approve an Agreement between the Arizona Department of Homeland Security (AZDOHS) and Maricopa County on behalf of the Sheriff, for the 2008 Homeland Security Grant Program Award, number 444817-01 and acceptance of up to \$100,000 in continued grant funding for the Interoperability Mobile Repeaters Phase II, funded under the Urban Area Security Initiative. A portion of this funding is for the purchase of one Super Duty 1 ton Pickup dedicated to transport the mobile repeaters. The term of this award is October 1, 2008 through September 30, 2009. The corresponding application was filed under BOS agenda C-50-07-541-3-ZZ, Section A., approved on March 21, 2007. Also approve an increase to the Sheriff's Office (500) grant fund (251) non-recurring (0001) revenue and expenditure appropriations for FY 2009 not-to-exceed \$100,000. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

The Sheriff's Office indirect cost rate for FY 2008-09 is 12.2%. Unrecoverable indirect costs associated with this Agreement are estimated to be \$2,440. There will be capital purchases associated with this grant that is not included in the indirect cost calculation. The Sheriff's Office will return to the Board with a request for a one-time addition to the fleet when specific information, including the Vehicle Identification Number (VIN), is available. (C-50-09-035-G-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

10. AGREEMENT AND ACCEPTANCE OF GRANT FUNDS FROM DEPARTMENT OF HOMELAND SECURITY FOR EXPLOSIVE ORDINANCE DISPOSAL INITIATIVE PART 2

Approve an Agreement between the Arizona Department of Homeland Security and Maricopa County on behalf of the Maricopa County Sheriff's Office, for the 2008 Law Enforcement Terrorism Program (LETPP) Grant Award #444207-01, and acceptance of up to \$396,800 in continued funding for the Explosive Ordinance Disposal Initiative Part 2. A portion of this funding is for the purchase of four Heavy Duty 1 ton 4x4 Diesel trucks. The term of this award is October 1, 2008 through September 30, 2009. The corresponding application was filed under BOS agenda C-50-07-541-3-ZZ, Section A., approved on March 21, 2007. Also, approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to proceed with the one-time purchase of two CF-30 laptop computers to be installed in two of the trucks. These computers will be tracked separately with no automatic replacement from the general fund at the end of their useful lives.

And finally, approve an increase to the Sheriff's Office (500) grant fund (251) non-recurring (0001) revenue and expenditure appropriations for FY 2009 not-to-exceed \$396,800. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

The Sheriff's Office indirect cost rate for FY09 is 12.2%. The Grantor does not allow for indirect cost recovery. Unrecoverable indirect costs associated with this grant are estimated to be \$17,006.80. There will be capital purchases associated with this grant which are not included in the indirect cost. The Sheriff's Office will return to the Board with a request for one-time additions to the fleet when specific information, including the Vehicle Identification Numbers (VIN), are available. (C-50-09-034-G-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

11. AGREEMENT AND ACCEPTANCE OF GRANT FUNDS FROM THE OVERSIGHT COUNCIL ON DRIVING UNDER THE INFLUENCE ABATEMENT

Approve an Agreement with the Oversight Council on Driving or Operating Under The Influence Abatement (ACJC Grant Number DUI-09-012) and acceptance of \$41,750 in continued grant funding. The term of this Agreement is December 1, 2008 through June 30, 2009. Approval of this Agreement allows the Sheriff's Office to continue DUI Enforcement and Investigations of impaired drivers within Maricopa County. Also approve an increase to the Sheriff's Office (500) grant fund (251) Recurring (0000) revenue and expenditure appropriations for FY 2009 not-to-exceed \$41,750. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

The Sheriff's Office FY 2008-09 Indirect Costs rate is 12.2%. The unrecoverable indirect costs associated with this funding are estimated to be \$5,093.50. The purpose of the funding is for reimbursement of overtime costs associated with DUI Enforcement and Investigations and the purchase of Preliminary Breath Testing devices (PBT's). The Sheriff's Office has participated in this grant program for approximately six years. (C-50-09-043-G-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

12. IGA WITH CITY OF MESA FOR PARTICIPATION IN THE COPS METHAMPHETAMINE INITIATIVE OVERTIME REIMBURSEMENT

Approve the Intergovernmental Agreement (IGA) between the Maricopa County Board of Supervisors acting on behalf of the Maricopa County Sheriff's Office and the City of Mesa, an Arizona Municipal Corporation for the Mesa Police Department for reimbursement of overtime costs. The amount designated for overtime reimbursement will not exceed \$30,000 and these funds are budgeted. The term of this Agreement is October 1, 2008 through August 31, 2009.

The Sheriff's Office indirect cost rate for FY 2008-09 is 12.2%. The City of Mesa is a sub-recipient of grant funds therefore indirect costs is not applicable (\$3,660).

The Sheriff's Office is the administrating agency for the Community Oriented Policing Services (COPS) Methamphetamine Initiative Program grant, which was approved by the Board of Supervisors on October 31, 2007 (C-50-08-533-3-00). (C-50-09-044-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

13. SUPPLEMENTAL TASK ORDER AND ACCEPTANCE OF GRANT FOR OFF HIGHWAY VEHICLE AMBASSADOR PROGRAM SUPPORT

Approve Supplemental Task Order No. 07-093-004EVAL and acceptance of \$68,000 in grant funding from the Arizona State Parks Board (ASPB), for the Off-Highway Vehicle (OHV) Ambassador Program Support. The term of this Supplemental Task Order is as of the last signature date and expires November 30, 2010. These funds are for the reimbursement of related overtime and travel/mileage. Also approve an increase to the Sheriff's Office (500) grant fund (251) Recurring (0000) revenue and expenditure appropriations for FY 2009 not-to-exceed \$30,000. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

The Sheriff's indirect cost rate for FY 2008-09 is 12.2% and the unrecoverable indirect costs are estimated to be \$8,296. The Intergovernmental Agreement (IGA) between the Arizona State Parks Board and the Maricopa County Sheriff's Office (MCSO) to cooperatively provide effective trail, Off Highway Vehicle (OHV) and recreation management across the State of Arizona was approved by the Board of Supervisors (C-50-08-541-2-00) on January 2, 2008. (C-50-08-541-2-01)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

14. ADDITIONAL HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT FUNDS FROM ARIZONA CRIMINAL JUSTICE COMMISSION

Approve acceptance of an increase of \$28,571 in grant funds from the Arizona Criminal Justice Commission (ACJC), High Intensity Drug Trafficking Area (HIDTA) Grant HT18-08-1113 for the Maricopa County Methamphetamine Task Force Initiative XVIII. The term of the Agreement is October 1, 2007 through September 30, 2009. Also, approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to proceed with the one-time purchase of a Desktop Forensic Computer. This computer will not be connected to the county networks. Forensic computers are stand alone machines or they are connected to each other through a closed loop network (never touching the LAN and not accessible at all to the outside world). This computer will be tracked separately and will be disposed of at the end of its useful life according to applicable terms and regulations with no funding from the general fund for its replacement. Finally, approve an increase to the Sheriff's Office (500) grant fund (251) Non-Recurring (0001) revenue and expenditure appropriations for FY 2009 not-to-exceed \$28,571. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

This increase will bring the total award from \$396,262.00 to \$424,833. The Sheriff's Office indirect cost rate for FY 2008-09 is 12.2%. Unrecoverable indirect costs associated with this increase are estimated to be \$2,147.79. A portion of these expenses are capital equipment purchases and not subject to indirect costs.

This funding is from the Arizona Criminal Justice Commission and was approved by the Board of Supervisors on June 4, 2008 (C-50-08-554-3-00). The Sheriff's Office has participated in HIDTA grants for approximately ten years. (C-50-08-554-3-01)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Treasurer

15. TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT SUMMARY REPORT

Pursuant to A.R.S. §11-501, receive the Treasurer's Statement of Collections and Investment Summary Report for October 2008, as on file in the Clerk of the Board's Office and retained in accordance with Arizona State Library Archives and Public Records (ASLAPR) approved retention schedule. (ADM4006) (C-43-09-014-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

16. OFFER ON TAX DEEDED LAND PARCEL WITHIN COMMON/CONTIGUOUS PROPERTY

Pursuant to A.R.S. §42-18303(E) accept the cash offer on the following tax deed land parcel(s) for which the following conditions apply:

1. Both the property offered for sale and the contiguous property were at one time under common ownership, or the property offered for sale is part of a common area maintained by a homeowners' association as determined by the County Assessor.
2. The property offered for sale cannot be separately used for residential purposes pursuant to applicable building codes and ordinances of the jurisdiction in which the property is located due to its size, configuration or recorded common area restrictions.

Parcel No.	Purchaser/Name for the Deed	Amount Offered	Amount of charges against the parcel
201-15-006Q	Maricopa County Department of Transportation	\$500	\$1,803.29

Direct that the Treasurers Office accept payment and prepare the deed to convey the property sold and deliver to the Clerk of the Board for further processing. Pursuant to A.R.S. §42-18262(A), the proceeds from the sale in the amount of \$500 will revert to the County General Fund. (C-43-09-011-8-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

TRIAL COURTS

Justice Courts

17. JUSTICE COURTS SPECIAL REVENUE FUND (245)

Pursuant to A.R.S. §42-17106, transfer FY 2008-09 revenue and expenditure appropriation in the amount of \$830,504 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Operating (0000) Potential Fee Increases line to Justice Courts (240) Justice Courts Special Revenue Fund (245) Operating (0000). Also, increase the FY 2008-09 revenue appropriation in the Justice Courts (240) Justice Courts Special Revenue Fund (245) Operating (0000) by \$682,428. Approval of this action will recognize additional operating revenue being received into the Justice Courts Special Revenue Fund (245) and provide increased operating capacity needed to staff two new Justice Courts (Highland and Desert Ridge) and provide additional funding for existing positions.

This authorization is required to increase revenue and expenditure capacity in the Justice Courts Special Revenue Fund (245) in order to fund new positions associated with the new Highland and Desert Ridge Justice Courts, as well as to provide additional funding for existing positions. (C-24-09-005-M-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

18. TRANSFER EXPENDITURE APPROPRIATION FOR JUSTICE COURTS TEMPORARY CLERK POOL

Pursuant to A.R.S. §42-17106, transfer FY 2008-09 expenditure appropriation of \$466,440 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line to Justice Courts (240) Justice Courts Special Revenue Fund (245) Non-Recurring (0001). Also, reduce the FY 2008-09 Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) revenue appropriation by \$466,440. Approval of this action will support Justice Courts staffing of a temporary clerk pool through the use of a one-time expenditure from fund balance. Temporary staff will be used to assist in the start-up of the newly-created Highland and Desert Ridge courts for the first 180 days of operation.

This authorization is required to pay for the usage of temporary staff from the Justice Courts Special Revenue Fund (245). The temporary staff is only needed for a period of 180 days in order to bring two new Justice Courts online, and as such will not be part of the department's FTE count. The temporary clerks will be hired through an outside contract agency. (C-24-09-007-M-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Superior Court Judges and Commissioners

19. TRANSFER EXPENDITURE APPROPRIATION FOR JURY SYSTEM REWRITE

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure appropriation in the amount of \$370,000 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line to a new project in the Superior Court (800) Special Revenue Fund (259) entitled "Jury System Rewrite."

Also decrease the revenue appropriation in Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) by \$370,000. Approval of this action will support one-time expenditures for the Jury System Rewrite.

In 2001, the Judicial Branch in Maricopa County purchased and implemented the Juror For Windows (JFW) vendor-supported application. This jury computer system not only supports the jury functions for the Superior Court, but also for the 23 Justice Courts and many of Maricopa County's municipal courts. Throughout the years, the Court has worked with the vendor to ensure compliance with Arizona law and procedures. However, system deficiencies, expensive enhancements and inadequate reporting continue to plague this system since its implementation. The Court Technology Services (CTS) department proposes to develop a new Jury system that will incorporate all the required jury functions, address jury fiscal responsibilities, add new control features and provide management reporting. The end result will be an excellent, mission-critical jury management system that will be much more efficient, effective and reliable for the Court. With this system, there would not be an annual maintenance fee; enhancements and new reports would be done by CTS; and operational costs would be reduced from its current level. With regard to expenses related to municipal courts' requests for jurors, there is a charge-back agreement with these courts, now. A similar charge back system will be part of the new system, as well. Considering the fact that this jury systems' customer base includes the Maricopa County Justice Courts and many of the municipal courts, the Commission on Technology (COT), Arizona Supreme Court's IT oversight committee, gave its approval for this project. To accomplish this significant undertaking, the Maricopa County Judicial Branch requests funding for software costs and consulting services. In order to develop this application in the state-of-the-art software, new developer and server licenses must be purchased. These licenses are estimated to be \$200,000. CTS also needs to augment its existing staff with three IT Application Developer contractors. The cost of these IT consulting services are estimated at \$384,000. (C-38-09-003-2-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

DEPUTY COUNTY MANAGER

Management and Budget

20. TRANSFER EXPENDITURE APPROPRIATION FOR GRAVES V. ARPAIO (FORMERLY HART V. HILL)

Pursuant to A.R.S. §42-17106(b), transfer FY 2008-09 expenditure authority of \$400,000 from the Non-Departmental (470) General Fund (100) Non-Recurring (0001) Contingency (4711) line entitled "Hart v. Hill" to County Attorney Civil (280) General Fund (100) Non-Recurring (0001). This action utilizes funding previously reserved in contingency to allow County Attorney Civil to charge litigation costs associated with the Graves v. Arpaio (formerly Hart v. Hill) case.

In C-49-09-013-2-00, \$400,000 was set aside in contingency for legal costs associated with complying with the Court's hearing requirements in Hart v. Hill regarding the treatment of presentenced inmates in County detention facilities. This action makes the Hart v. Hill contingency funding available for use by County Attorney Civil to charge litigation expenses. Additional funding from contingency may be requested based upon the actual expenses associated with Graves v. Arpaio (Hart v. Hill). (C-49-09-013-2-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Public Health

21. AMENDMENT/MODIFICATION TO CONTRACT FOR NATIONAL HANSEN'S DISEASE PROGRAM

Approve Amendment/Modification No. 000002 for Contract (HSH258200730006C) between National Hansen's Disease Program (NHDP) and Maricopa County through its Department of Public Health for a grant providing medical treatment of Hansen's Disease. The purpose of this amendment/modification is to change the option periods and makes administrative changes to the terms and conditions. The base contract expires December 31, 2009. (C-86-04-063-2-05)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

22. CONTRACT FOR SERVICES WITH PHOENIX CHILDREN'S HOSPITAL FOR MEDICAL SERVICES TO HOMELESS YOUTH

Approve the Contract for Services between Maricopa County through its Department of Public Health, Healthcare for the Homeless (HCH) Program and Phoenix Children's Hospital (PCH) to provide medical services to homeless youth via a mobile medical clinic. This contract provides funding in the amount of \$133,762 for budget period November 1, 2008 to October 31, 2009.

This subcontract is exempt from the Maricopa County Procurement Code under Section MC1-102C, as it is a prior designated subcontractor of the Grantor. Funding for this contract is provided by a grant from the Health Resources and Services Administration and will not affect the County general fund. (C-86-09-036-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

23. AMENDMENT TO IGA WITH LITTLETON ELEMENTARY SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE EDUCATION AND PREVENTION SERVICES

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) with Littleton Elementary School District to extend the term of the IGA from May 2, 2008 through May 1, 2009, and increase the contract by \$4,500 to provide school-based tobacco use prevention and education services for the Maricopa County through its Department of Public Health. This amendment brings the IGA to a new not-to-exceed aggregate amount of \$19,000 for the term July 1, 2006 through May 1, 2009. (C-86-07-408-2-03)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

24. AMENDMENT TO SOLE SOURCE CONTRACT WITH CENTRAL ARIZONA SHELTER SERVICES, INC. FOR DENTAL SERVICES TO HOMELESS INDIVIDUALS.

Approve Amendment No. 2 to the Sole Source Contract between Maricopa County through its Department of Public Health Healthcare for the Homeless (HCH) Program and Central Arizona Shelter Services, Inc., (CASS) for CASS to provide dental services to homeless individuals. This amendment makes changes to Section I of General Provisions and increases the contract amount by \$50,000 for budget period November 1, 2008 through October 31, 2009.

This brings the contract to a new aggregate not-to-exceed amount of \$150,000 for the term November 1, 2006 through October 31, 2009. The sole source contract is in compliance with the Maricopa County Procurement Code, Section MCI-344. All other term and conditions of the original Agreement shall remain in full force and effect.

Funding for this contract is provided by a grant from the Health Resources and Services Administration, and will not affect the County general fund. (C-86-06-064-1-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

25. PROCUREMENT CHANGE ORDER TO PURCHASE ORDER FOR ADDITIONAL FUNDING FOR THE IGA FOR WELL WOMAN HEALTHCHECK PROGRAM

Approve the Procurement Change Order No.1 to Purchase Order (E9H26186) which provides additional funding for the Intergovernmental Agreement (IGA) (HG761266) between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health (MCDPH). Additional funding is being provided for the MCDPH Well Woman Healthcheck Program services to uninsured or underinsured women. The Purchase Order in the amount of \$8,346 provides increased funding bringing the contract amount from \$610,388 to \$618,734 for budget period ending June 30, 2009. Also approve revenue and expenditure appropriation adjustments to the Public Health (860) Grant Fund (532), Operating Budget (0000) associated with the aforementioned grant in an amount of \$8,346 for FY 2008-09. The appropriations adjustment is necessary because these funds were not included in the FY 2008-09 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The Department of Public Health's indirect rate for FY 2008-09 is 18%. The IGA allows for indirect costs at a rate of 10% of Personnel Services and Employee Related Expenses only. Full indirect costs are estimated at \$1,502, all of which is unrecoverable. The total sum of these funds are sub-recipient costs and not subject to indirect costs reimbursement. (C-86-08-001-3-06)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Workforce Management and Development

26. AMEND PEAK PERFORMERS PROGRAM FOR CALENDAR YEAR 2009

Amend maximum point award per employee from 50 points to 100 points per employee, per event, based on legal advice that this increase will not violate the gift clause, so long as all other requirements for issuance of the points are met. All other components of the program remain unchanged. There may be tax consequences for employees for any points issued through this program. The program year will cover the period from December 1, 2008, through December 31, 2009. (C-31-09-003-6-01)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

27. DONATION

Accept the monetary donation from Surprise Animal Hospital of Surprise, AZ in the amount of \$700 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-041-D-00)

Supervisor Wilson thanked those who care enough to contribute to the care of these animals.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

28. AGREEMENT WITH RESCUE A GOLDEN OF ARIZONA FOR THE NEW HOPE PROGRAM

Approve an Agreement between Rescue A Golden of Arizona, a 501 (c)(3) non-profit corporation, 4801 N. 29th Avenue, Phoenix, AZ 85016, and Maricopa County to allow Rescue A Golden of Arizona under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 50 new hope rescues over the term of the agreement, for a total of \$2,000. The term of this Agreement is from December 3, 2008 through June 30, 2011. (C-79-09-042-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Human Services

29. ADMINISTRATIVE CORRECTION TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Approve an Administrative Correction to action taken on September 3, 2008 (C-22-09-008-3-01) that approved Amendment No 1 to Intergovernmental Agreement DE070298001 with Arizona Department of Economic Security (DES) to decrease Dislocated Worker Funds and increase adult funds. This correction will: • re-locate the records for the action taken on September 3, 2008 under C-22-09-008-3-01 to C-22-08-041-3. • correct the Amendment No. from No. 1 to be Amendment No. 4 to DE070298001. • establish C-22-08-041-3 as the official file number for IGA DE070298001 and all subsequent amendments. (C-22-08-041-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

30. AMENDMENT TO CONTRACT WITH STATE HOUSING FUND/STATE OF ARIZONA DEPARTMENT OF HOUSING

Approve Amendment No. 1 to Contract 552-08 between Maricopa County through its Human Services Department and the State Housing Fund/State of Arizona Department of Housing to provide funding for low income families with eviction prevention/emergency housing. The contract amount is being increased by \$81,000, with the total amount being revised from \$158,792 to \$239,792. This amendment will terminate June 30, 2009. Appropriation adjustment is not requested at this time as these funds are included in the 2008-09 Adopted Budget. (C-22-09-021-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Medical Examiner

31. REVENUE AND EXPENDITURE APPROPRIATION ADJUSTMENT FOR GRANT AWARD #2007-CD-BX-0035

Pursuant to A.R.S. §42-17106(B), approve an appropriation adjustment increasing the FY 2008-09 Office of the Medical Examiner (290) Grant Fund (224) Non recurring (0001) revenues and expenditures in the amount of \$95,000. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

The adopted FY 2008-09 Budget did not include FY 2007-08 carryovers. This Budget Adjustment will provide the necessary increase in revenue and expenditure authority for one grant totaling \$95,000. (C-29-08-003-3-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

CHIEF FINANCIAL OFFICER

Finance

32. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Parks and Recreation

33. IGA WITH ARIZONA GAME AND FISH COMMISSION FOR SUPPORT IN THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE GENERAL JOE FOSS SHOOTING COMPLEX AT BUCKEYE HILLS

Approve an Intergovernmental Agreement (IGA) between Arizona Game and Fish Commission and Maricopa County through the Parks and Recreation Department (PRD), for the purpose of Arizona Game and Fish Commission, through its Game and Fish Department, to provide technical and administrative support for the Buckeye Hills Shooting Complex, Buckeye Hills Regional Park; and provide, based upon appropriation and availability, Maricopa County Parks and Recreation Department (PRD) authority to apply for funding designated under A.R.S. 17-273 for shooting ranges open to the public to enhance, operate and maintain the Shooting Complex. Funding, if and when received, shall be brought to the Board of Supervisors for acceptance under separate Agenda items. PRD at that time will provide the data to show the source and amount of funds and financial data normally required for receipt of funds. This IGA also delegates the authority to and charges the responsibility to, the PRD Director, for proper administration of this IGA. This Agreement shall not become effective until signed by all Parties hereto and filed with the Arizona Secretary of State, and expires five years from that date. There will be no renewal options.

Due to the November 6, 2008 action by the Board of Supervisors (C-30-09-014-M-00), the Maricopa County Buckeye Hills Shooting Range Complex (the entire facility) was renamed to the General Joe Foss Shooting Complex at Buckeye Hills. Therefore, all references in this IGA to the Buckeye Hills Shooting Range Complex will be referring to the General Joe Foss Shooting Complex at Buckeye Hills. (C-30-09-015-3-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Air Quality Department

34. AIR QUALITY DIRECTOR'S RELOCATION EXPENSES

Authorize payment of \$4391.36 for reimbursement of relocation expenses for Lawrence Odle, Department Director, Air Quality Department.

This reimbursement expense will be paid from the Air Quality budget. Reimbursement of Mr. Odle's relocation expenses up to \$10,000.00 was a necessary component of the job offer and was approved by the County Manager. Relocation expenses have previously been approved by the Board for other department directors who relocated to Maricopa County from other states. (C-85-09-008-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Public Works

35. IGA WITH TOWN OF QUEEN CREEK FOR IMPROVEMENTS TO ELLSWORTH ROAD FROM EMPIRE BOULEVARD TO CLOUD ROAD

Approve the Intergovernmental Agreement between Maricopa County, acting through the Maricopa County Department of Transportation (County) and the Town of Queen Creek (Town) for improvements to Ellsworth Road from Empire Boulevard and Cloud Road. The estimated cost for the County Arterials Project (ARTS), Job Number T178, is \$17,950 million and the County is responsible for up to 50% of the estimated total cost of the project. This Agreement shall be effective as of the date it is filed with the Maricopa County Recorder and remain in full force and effect until all stipulations indicated have been satisfied.

The purpose of this project is to establish a continuous roadway alignment consisting of three through lanes in each direction with a raised median. The Town will act as lead agency and the County will act as the technical facilitator for the project. The project is scheduled to begin construction in September 2009. The total cost of this project is currently estimated at \$17.950 million and the County is responsible for up to 50% of the estimated total cost. The County has already expended \$1.225 million for the design of this project. The County's remaining cost share contribution to the project is not to exceed \$7.750 million. The Town was awarded a \$10 million loan in June 2008 from the Statewide Transportation Acceleration Needs (STAN) funds to help facilitate the advancement of this project. The County will remit payment incrementally to the Town between FY2010 and FY2012. The Town is currently working to complete the annexation of this roadway within the project limits, along with several others, in accordance with a previous IGA approved in August 2006. Supervisory District No. 1 (C-91-09-080-M-00)

Supervisor Brock thanked the Town of Queen Creek for their offer to share the cost of fixing the drainage problem that has plagued a portion of this road for some time.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

36. RESOLUTION TO IMPLEMENT MARICOPA COUNTY MEASURE 19 (MAG MEASURE 33) TO POST SPEED REDUCTION LIMITS ON HIGH TRAFFIC DIRT ROADS

Approve a Resolution that will allow Maricopa County Department of Transportation (MCDOT) to proceed with the implementation of Maricopa County Measure 19 (MAG Measure 33) as identified in Maricopa County's commitment for the MAG 2007 Five Percent Plan for PM10 for the Maricopa County Nonattainment Area as outlined in the previous Resolution submitted by the Maricopa County Air Quality Department and approved by the Board on September 10, 2007 under agenda item C-85-08-004-6-00.

The previously approved Resolution describes Maricopa County's commitment to implement additional measures for the MAG 2007 Five Percent Plan for PM10 for the Maricopa County Nonattainment Area which was due to the U.S. Environmental Protection Agency (EPA) by December 31, 2007. The Resolution included a list of applicable measures that would be distributed throughout various County agencies for facilitation and implementation of each measure. The Maricopa County Department of Transportation (MCDOT) is responsible to facilitate and implement Maricopa County Measure 19 which will install speed limit reduction signs on high traffic dirt roads. The approval of this Resolution will allow MCDOT to proceed with the implementation and installation of the speed limit reduction signs on selected dirt roadway segments with the average daily traffic (ADT) greater than 50 vehicles per day.

A list of identified roadway segments is attached for reference. Supervisorial Districts 1, 2, 3, 4, and 5 (C-91-09-079-M-00)

Supervisor Brock said this item reduces the speed limit on dirt roads and this will help to improve the air quality.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

37. PROJECT AGREEMENT WITH MARICOPA ASSOCIATION OF GOVERNMENTS

Approve a Revenue Agreement between Maricopa Association of Governments (#08-ELM-20-03) and Maricopa County acting through Public Works, in the amount not-to-exceed \$21,087,562. Approve as a revenue agreement, the Arterial Life Cycle Program (ALCP) Project Agreement (#09-ELM-20-03) between Maricopa Association of Governments (MAG) and Maricopa County acting through Maricopa County Department of Transportation (MCDOT) in the amount not-to-exceed \$21,087,562 for regional reimbursements associated with the design, right-of-way and construction costs of roadway improvements to El Mirage Road from Thunderbird Road to Bell Road, ALCP Project Job Number T167. Under the approved FY2008 MAG RTP update, \$21,087,562 has been programmed for reimbursement between FY 2009 and FY 2015. This project is in Supervisorial District No. 4.

Reimbursements will be sent to the County for disbursement among the partners of the original Intergovernmental Agreement (IGA) approved July 25, 2007 (C-64-08-001-2-00) with a recording No. 2007-1078106. Partners for this project include Maricopa County, City of El Mirage and the City of Surprise. Each agency will receive reimbursements proportional to its expenditure on eligible costs. In accordance with the IGA, the projected share reimbursement percentages are approximately 33.3% for each partner. (C-91-09-069-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

BOARD OF SUPERVISORS

Clerk of the Board

38. REAPPOINTMENTS TO THE PARKS AND RECREATION ADVISORY COMMISSION

Approve the reappointment of the following members to the Parks and Recreation Advisory Commission: Laurel Arndt, Supervisorial District 1; Jack Stapley, Supervisorial District 2; Anne Lynch, Supervisorial District 3; Joseph Marvin, Supervisorial District 4; Salomon Leija, Supervisorial District 5; Rodney Jarvis, Member at Large. The term of the appointments will be effective as January 1, 2009 through December 31, 2010. (C-06-09-178-9-00)

Supervisor Brock thanked Laurel Arndt for her service on this Commission.

Supervisor Wilson thanked all who serve on boards and commission for the County for their service to the public.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

39. APPOINTMENTS TO THE RYAN WHITE PLANNING COUNCIL

A. Approve the appointment of Juan Carlos Perez, representing General Public, for a three year term on the Ryan White Planning Council, from January 1, 2009 through December 31, 2011. B. Approve the appointment of Abdul Hasan as an alternate for Regina Lechuga, Service Provider, Ebony House, from January 1, 2009 through the remainder of Ms. Lechuga's term ending on July 31, 2010.

These appointments are consistent with Article III of the Bylaws of the Phoenix EMA Ryan White Planning Council. After satisfactory completion of the pre-screening process, the County Manager recommends appointment of Juan Carlos Perez and Abdul Hasan The Membership Committee of the Ryan White Planning Council has confirmed that the two individuals nominated for new appointments represent membership categories consistent with the Bylaws and with federally mandated membership requirements. (C-31-09-005-9-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Industrial Development Authority

40. RESOLUTION APPROVING THE INDUSTRIAL DEVELOPMENT AUTHORITY ISSUANCE OF ITS VARIABLE RATE DEMAND SOLID WASTE DISPOSAL REVENUE BONDS (DC L.L.C. PALOMA 2 PROJECT) SERIES 2008

Adopt a Resolution approving the proceedings of The Industrial Development Authority of the County of Maricopa, Arizona for the issuance of its Variable Rate Demand Solid Waste Disposal Revenue Bonds (DC L.L.C. Paloma 2 Project) Series 2008, to be issued in one or more series in an amount not-to- exceed \$4,000,000 aggregate principal amount. This item is being considered by the Board of Supervisors solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board of Supervisors approve the proceedings under which bonds of The Industrial Development Authority of the County of Maricopa are issued. (List on file in the Clerk of the Board's Office.)(C-18-09-032-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Planning and Development

41. ZONING CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the December 17, 2008 meeting. (C-44-09-053-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilson
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

CONSENT AGENDA

Clerk of the Board

42. CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's Office. (C-06-09-203-7-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

43. DUPLICATE WARRANTS

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-204-7-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

44. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Supervisors' meetings held August 4, 2008, September 12, 2008, and September 15, 2008. (C-06-09-199-7-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

45. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-09-205-7-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

46. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-206-7-00)

Motion to approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

BOARD OF SUPERVISORS ADDENDUM

Air Quality

A-1. SETTLEMENT FROM DHL INFORMATION SERVICES (AMERICAS), INC. FOR VIOLATION OF THE MARICOPA COUNTY TRIP REDUCTION ORDINANCE

Approve the Settlement in the amount of \$17,100 between Maricopa County and Plaintiff(s), in Settlement from DHL Information Services (Americas), Inc. for Violation of the Maricopa County Trip Reduction Ordinance No. P-7. Authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel.

The Travel Reduction Program (TRP) Regional Task Force reviewed the compliance status of DHL Information Services (Americas), Inc. and voted to seek enforcement penalties. Negotiations with DHL Information Services (Americas), Inc. have resulted in a settlement proposal of \$17,100. The TRP Regional Task Force recommends the acceptance of the \$17,100 settlement offer from DHL Information Services (Americas), Inc. The proceeds will be deposited into the County's General Fund. This matter was discussed in Executive Session on December 1, 2008. (C-85-09-003-S-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

County Attorney

A-2. EXEMPTION FROM MARKINGS

Pursuant to A.R.S. §38-538-03 and §28-2511(A), approve the issuance of non-governmental license plates and exemptions from county markings for four undercover vehicles. These vehicles are replacing four vehicles that are used for investigative purposes. A detailed cross-referenced list of vehicle identification numbers is kept on file with the Clerk of the Board.

The Maricopa County Attorney's Office requests that the replacement vehicles being purchased be exempt from County markings and issued a regular Arizona license plate as provided in accordance with A.R.S. 38-538.03 and A.R.S. 28-2511(A). Any future replacement costs associated with maintaining and replacing the vehicles will be the responsibility of the County Attorney's Office and will be absorbed within its current and future budget appropriations. (C-19-09-037-V-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING RECESSED

Chairman Kunasek recessed the Board of Supervisors to convene as various Boards of Directors.

MEETING RECONVENED

Chairman Kunasek reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

47. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

A number of people registered to speak including Carlos Galindo; Randy Parraz; Lydia Guzman-Ruiz; Ivan Brickman; Andrew Sanchez (did not appear when called); Annette Sexton-Ruiz (did not appear when called); Irene Chavez; Alejandro Chavez; Juan Paredes (did not appear when called); Jose Paredes; Raquel Teran; Lisa Steerson; Evan Bejer; Emmanuel Gallardo; Alicia Russell, Acorn; Ayensa Millan; Teresa Castro, Acorn; Monica Sandschafer, Acorn, and Chris Fleischman.

The common topics of concern that were expressed included:

Actions of Sheriff Arpaio taken against illegal aliens
Sheriff Arpaio ignoring important law enforcement to harass illegal aliens
The request for Chairman Kunasek to resign from the Board of Supervisors because of his unfair treatment to the group
The Goldwater Institute's report, content and conclusions
Demands the Board hold Sheriff's Office accountable, in all areas
Sheriff's Office training trip to Honduras - a waste of time and money
Board's refusal to agree to a 30-minute "round table" with this group
Board of Supervisors inaction in controlling the Sheriff's activities
Sheriff's Office keeps poor records and has no accountability
Sheriff's Office alleged slow response time on calls received
Ineffective sweeps for illegal immigrants by Sheriff's Office

48. Supervisors'/County Manager's summary of current events.

Supervisor Wilcox said she thought people were aware of the rules that prohibit Board Members from responding to public comment. She wanted them to know that the Board listened to what was said.

She also recognized David Smith's comment for the Zip Code 41 Initiative that is being put forward in the South Mountain area, which Ms. Wilcox said would help a lot of people. She said this was recognized on a nation-wide basis in the Neil Pierce Column.

The Board of Supervisors will now consider matters related to Planning and Zoning.

PLANNING AND ZONING AGENDA

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Wayne J. Peck, Deputy County Attorney, came forward to present the following planning and zoning cases.

CONSENT AGENDA

1. ZONE CHANGE HAPPY VALLEY 303 WEST

Case Number: Z2007036
Supervisory District: 4
Applicant: Happy Valley 303 West, LLC
Location: Near the southwest corner of Happy Valley Road and Vistancia Boulevard (in the Peoria area)
Request: Zone Change from Rural-43 to C-1 CUPD and R-4 RUPD with Precise Plans of Development for commercial and multi-family development (approximately 21 gross acres) - Happy Valley 303 West
Commission Action: By a vote of 6-0 recommended approval to the December 3, 2008 BOS hearing subjected to modified stipulations "a" - "t" which included revised stipulation "q". [Note: Prior to the P&Z hearing, the applicant provided a recorded pre-annexation agreement with the City of Peoria so staff changed their recommendation to approval with stipulations.]

Darren Gerard reported that the recommendation for this consent item is for approval with stipulations "a" through "j." (C-44-09-051-7-00)

Motion to concur with the Planning and Zoning Commission recommendation for approval by: Supervisor Wilson, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

REGULAR AGENDA

2. SPECIAL USE PERMIT AMERICOR SELF STORAGE

Case Number: Z2008025
Supervisory District: 3
Applicant: Earl, Curley & Lagarde, PC
Location: West of Gavilan Peak Parkway and north of Daisy Mountain Drive (in Anthem)
Request: Special Use Permit for mini-storage, RV and boat storage, and ancillary truck rentals in the C-0 CUPD/PAD and/or C-2 CUPD/PAD zoning district (approximately 7.5 acres)
Commission Action: Motioned for Approval 8/1 subject to staff recommended stipulations "a" through "q", but with modifications to stipulations "l" and "m".

This item was heard at November 6, 2008 Board of Supervisors' meeting and was continued to this agenda.

Darren Gerard noted that this item was continued from the November 6, 2008, Board meeting to give the applicant time to meet with those in opposition to this Special Use Permit (SUP) for a mini-storage facility in Anthem. He reported on the specifics and background of the case and said the recommendation of staff and the Planning Commission is for approval. However, he said there is organized opposition and as of early today, a super-majority vote was triggered. (C-44-09-052-7-00)

Stephen Earl, for the applicant, referred to their study of the concerns expressed by the opposition, saying it was "difficult to understand the level of irritation" over the use when the applicant had thought it to very suitable. He explained some of the things Americor had done since the November 6th meeting to hopefully dispel many of the

"misunderstandings" they have identified.

~ Supervisor Wilcox left the meeting ~

Mr. Earl identified the points of dissention as follows, and provided detailed information to explain and answer the complaints:

Inappropriate location, too near schools
Traffic increase, dangerous to school children as they come and go
Eyesore, appearance, destruction of property values
Architecture of the building
Possible commercial uses within the facility
Propane dispensing within the facility
Increased crime because of nature of business
Rental truck issues - size and number of trucks

~ Supervisor Wilcox returned to the meeting ~

Mr. Earl felt that the concerns were unrealistic and said that perhaps the applicant had not done a good enough job of explaining the true concept to the public early in the process. He explained that they had concentrated on meeting with the nearby neighbors during the past four weeks. They met with 25 property owners living across the street from the proposed facility and 18 of the 25 signed letters of support after learning the true nature of the facility. He said that the more people who learned what the facility would really be like and would offer to residents, the more support they received.

Those registering to speak on this item included William Clower, Anthem Community Council; Stephen Lopez; Al Coffey; Ron Jerich, Anthem residents; Randy Schmille, homeowner; Bob Copen, Anthem Parkside Board.

William Clower spoke in opposition, saying that all the members of the Anthem Community Council were mainly opposed to the location of this facility. He also cited opposition from the churches and schools bordering this site. He said the opposition believed the site needed a different kind of business. One that would provide a better use for residents.

Chairman Kunasek asked about the huge variation in numbers of vehicles and increased traffic that would be generated if an office building were built on the site versus a fraction of that total generated for a storage facility, as reported by a professional survey ordered by Americor and presented earlier by Mr. Earl.

Mr. Clower said he didn't know about that as he is not a traffic engineer. However, Darren Gerard agreed that a large variation is generally accepted.

Mr. Gerard said that staff and counsel would like to recommend an additional stipulation, that would be stipulation "r," as follows:

"r: Storage Units shall be leased for personal storage only, and would not be used for commercial purposes."

He said this stipulation would preclude people from using the storage units to sell things or in operating a small business.

Stephen Lopez, resident of the Anthem Country Club, said he came to support his signed statement in support of Americor's project. He compared Anthem with other

places he has lived and felt that Anthem has many restrictions, "You can't do many things without getting some kind of approval." He felt this facility would provide a convenience to residents of Anthem to own and be able to store their RV's or deep boat trailers, etc. that they do not now have because these things cannot be stored on their property.

Al Coffey, resident, spoke of the entrance to this place being on Gavilan Peak Parkway, feeling it would be better to place it "at the bottom left hand corner of the property, which exits right into a gas station and Circle K area." He said people could pick up things and get gasoline on their way in or out of the facility. He said he was not opposed to it but would like the traffic directed into a more appropriate area.

Chairman Kunasek asked staff about the relocation of the gate, as suggested by Mr. Coffey. Mr. Gerard replied that the lowest elevation is in that corner and that is where the retention basins will be built. There are drainage easement issues as well, making it impossible to enter and exit through that area.

Ron Jerich, resident of Anthem, said he represented the residents of the area in opposition to the storage facility. He addressed the three schools bordering the site, increased traffic and the size of RVs that would be stored there. He believed a storage facility was needed but it should be located in the west side in the Anthem Commerce Park. He reminded the Board that a large number of residents agreed with him.

Randy Schmille, Anthem resident, said he was a newly elected member of the Anthem Parkside Homeowners Association that represents a majority of Anthem homeowners. He said he felt Parkside would support the Americor facility. He believed the facility is needed in the community and would be an asset for all in Anthem. He said he believes in welcoming all new development providing it is architecturally pleasing to the community. He said this is a high quality development by a reputable company, that building it will provide jobs for people living in the community and permanent employment once it is completed. He appreciated the low level of traffic generated by such a facility and felt it would be a perfect use for this site. Mr. Schmille read a memo sent by another resident, Charles Anson, who wrote that after speaking with the Americor representatives and receiving printed materials he would now like his name removed from the early petition of opposition that he signed before knowing all the facts. He made several suggestions that he hoped would be considered, and ended by writing that he felt this self-storage facility would be an asset to Anthem.

Bob Copen, a resident and a member of several boards, said he had made it a point to find out the facts on this project and wanted to inform those who were not aware of these facts. He acknowledged that his military training had ingrained that "facts are numbers" and he cited numbers of people he had spoken to and also of traffic numbers and patterns observed in established storage facilities. He also commented on the odors coming from the water treatment plant and the air flow that carries the odors either to or away from housing, and thought a two-story structure could help alleviate unpleasant air flow for some residents. He did ask Americor to consider building block walls that are 10 to 11 feet high instead of 8 feet and to build a two story building on a small, vacant piece of the lot and establish an office for the Sheriff's Office to use in the area. He felt this would also cut down on possible vandalism.

Mr. Earl responded and said Americor would agree with much of what had been said and certainly would agree to the new stipulation "r." He reiterated much of what he said earlier, regarding use, traffic and need, since many of those commenting had reiterated their earlier concerns about those topics. He added that the more details residents learned about this facility the more they favored it. Discussion ensued with Chairman

Kunasek establishing some priorities with regards to number of trucks and building height. Mr. Earl said the total height of the main building would be 24 feet from the finished floor to top of precipice.

Darren Gerard asked the Chairman if he wanted to add another stipulation, "s", limiting the number of trucks to two and that they shall be parked at the rear and out of the public view. The Chairman favored this.

Both Supervisors Wilcox and Brock commented on the very nice facility and the necessary patience needed during the long negotiations. Both felt it had produced an excellent facility and offered their congratulations.

Darren Gerard said that counsel had suggested another stipulation that would stipulate the propane would be for the use of mini-storage lessees only.

The new stipulations to be included in the motion were as follows:

- r. Storage units shall be leased for personal storage only and shall not be used for commercial purposes.
- s. Rental trucks shall be limited to two (2) and shall be parked out of external view.
- t. Propane tank shall be for use by mini-storage unit and RV/boat storage lessees only.

Chairman Kunasek remarked that after the November 6th meeting he had received an email that was highly critical of the Board's lack of consideration for the residents of Anthem. He said, "That is not the case, it is absolutely not the case." He recognized that some residents were unhappy with the Board's decision but he felt that a sufficient amount of time had been taken to listen to those who asked to be heard. He said that some current members of the Board were members during the year-long planning and perfecting period prior to approval of Anthem, which has since been nationally honored as an award-winning Master Planned Community. He added that this Board has not changed its commitment to Anthem or its residents. He affirmed his belief that this is a good use, and an advisable use, for the site.

Motion to concur with the Planning and Zoning Commission recommendation for approval as amended, to add new stipulations "r" "s" and "t".

Approval was on a roll call vote, called by the Clerk, as triggered by the percent of homeowner opposition to the project. Motion by Supervisor Wilcox, Seconded by: Supervisor Wilson
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 11:25 a.m.

ATTEST:

Andrew Kunasek, Chairman of the Board

Fran McCarroll, Clerk of the Board